

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

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since 1894

George C. Kingston, chair
Michael Carabetta, vice chair
Ralph Page, clerk

Michael S. Przybylowicz
Alessandro Meccia
Robyn d. macdonald, director
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Minutes of March 26, 2013

Present were: Chair, George Kingston; Vice Chair, Michael Carabetta; Clerk, Ralph Page, Alessandro Meccia and Michael Przybylowicz.

Chair, George Kingston opened the meeting and said that it was being taped by ELCAT as well as the Board. He asked if anyone else was taping it, Chris Mazza from the Reminder was also taping it.

Continuation of Public Hearing for Massage Therapist

Chair, George Kingston continued the public hearing for Massage Therapists.

Korean Massage, 611 North Main Street

Present was Attorney Robert Ward, 37 Main Street Belchertown representative for Korean Massage, Inc.

Mr. Kingston said that the Board has a number of questions that Town Attorney James Donahue has asked the Board to ask. The first being what constitutes the standards and ethics of Body Work Therapy that are being applied in their business. He said the reason why they are asking it is because the Board still doesn't have an establishment license for more than a single masseuse and they were told that the other employee is doing Asian Body Work Therapy and the Board is asking for a better definition of that.

Attorney Ward said he was unaware that he should have brushed up on the standards and procedures and the course material of the school. It was his understanding that by presenting a certificate if one existed that would satisfy the criteria of the Board which was that everybody had to be certified.

Mr. Kingston said that the Board did receive a certificate for Reflexology that was issued in February 2013 for 50 hours of instruction. He asked what other practices are being performed on the site and what licenses are held for the practices.

Attorney Ward said it his understanding that there are two things happening. One is massage therapy and the business has a massage therapist license and he is going to call her Julie as opposed to her Chinese name, is a holder of a massage establishment license for a single practitioner because there is only one massage therapist present. He said that there is an individual that does body work and that is the reflexologist and

for Amercian terms he will call her Jenny. Attorney Ward said that it's a little confusing because although its reflexology and she uses the word body work according to the state there are certain exemptions to the Massachusetts Massage Therapist Licensing Law. He said one of those exemptions is reflexology and it says "these exempt practitioners may use the term body work, body worker and body work therapist in their promotional literature". Attorney Ward said that they may not claim to practice massage, he said that she never has, never will, but she doesn't say reflexology. He said he believes in the application it says massage and body work therapy and body work therapy is the reflexology.

Mr. Kingston asked Attorney Ward if there are any other employees on the site. Attorney Ward said no. Mr. Kingston said at this point he would like introduce to by reference certain police reports dated November 2, 2009, November 15, 2010 and December 16, 2011 all of which refer to illegal activity at the site and he wants to make sure that the reports are part of the record of the hearing. Attorney Ward said that he would like to see the reports and said that he thinks Mr. Kingston meant to say alleged activity and asked if there were any convictions. Mr. Kingston said that he believes there was one deportation that occurred other than that it is not clear and it appears that the charges were dismissed at the request of the Attorney Ward. He said that it was not clear in the court report why they were dismissed other than that there was no reason given at that point. Mr. Kingston said that he wants to make sure that the reports are part of the record of the hearing. He asked Attorney Ward if he would explain the situations that have happened as given in the reports under the control of the current management and how he can assure the Board that will not happen again.

Attorney Ward asked that they not be allowed because they are unnecessarily prejudicial, there is no factual basis that there is anything of truth in the matter. He said a court conviction would be something he would submit to be part of the record. Attorney Ward said that he has submitted to the Board some certified docket sheets from the court that perhaps may be of the incidents but he is not sure because he hasn't read them.

Mr. Kingston reminded Attorney Ward that it is not a criminal prosecution, that it is a hearing before a Special Permit granting authority. He said the documents that he is introducing into the record are official town documents that were produced by the town's Police Department. Mr. Kingston said in a hearing of that type it is acceptable information for the Board to consider and said that is not a criminal proceeding and they are not under the rules of evidence that would be in a court of law. He said that the Board is allowed to hear input from other persons in town and they are not subject to the rule of hearsay. Mr. Kingston said that the Police Chief has said in three separate occasions that something happened and the Board needs to listen to him. He said that the Board is not saying that it resulted in criminal prosecution or in a conviction, all they are saying is that the facts of the matter as laid out by the police officers involved who did the investigation need to be entered into the record of the hearing. Mr. Kingston said to Attorney Ward if he would like them read in public they are welcome to that but he suggested that they waive the reading at that point. Attorney Ward said that he is seeing information that is 4 years old and isn't sure that his client owned the business at that time. Mr. Kingston said that they have Gye Hwa Shin as the secretary of the

business in 2011 which was the most recent report. He said that there was an event that happened in 2009 and repeated in 2011 and he is asking Attorney Ward for what reason the Special Permit Granting Authority should assume it will not happen again. Attorney Ward said that he will try to answer that but he needs to know the event. Mr. Kingston said to Attorney Ward that he was the Attorney that represented them in their case and assumes that he saw the police report. Attorney Ward said one of the individual's was arrested for allegedly having sex for a fee and that was deemed to be not guilty in a court of law. Mr. Kingston said that it was not deemed to be not guilty if it was dismissed. Attorney Ward said that he was talking about different instances. Mr. Kingston said then perhaps he can provide the Board with the backup for that. Attorney Ward said that he did. Mr. Kingston said no that the Board has two dockets that say it was dismissed at the request of the Attorney for the accused, it does not say not guilty. Attorney Ward said that one was Hua Zi Li he believes. Mr. Kingston said that the Board is asking what controls are in place so it won't happen again, he asked what is different currently then 2011. Attorney Ward said that here is a tighter monitoring if anyone makes an inappropriate gesture to the therapist or body worker they immediately notify the other person who's out in the office area and the police are called. Mr. Kingston asked if there is a document that says that. Attorney Ward said that there is no written policy to that affect.

Mr. Carabetta asked if it is safe to say the possibility that two people will be working at the same time. Attorney Ward said that they don't work at the same time.

Mr. Przybylowicz asked then how would one notify the other. Attorney Ward said he meant that they don't participate in the functioning of their work at the same time. He said when one works the other one doesn't work.

Mr. Kingston stated Attorney Ward the business is open 13 hours a day, 7 days a week and both of the individuals are there 13 hours a day, 7 days a week while also one of those persons maintains residences in Flushing, NY and in Michigan. Attorney Ward said that it's his understanding that they are open 12 hours day, 9:00 a.m. to 9:00 p.m. Mr. Kingston said that all their advertising states 9:00 a.m. to 10:00 p.m. Attorney Ward said that she is now honoring the Board's request that the hours are 9:00 a.m. to 9:00 p.m. Mr. Kingston stated that the Board never asked for specific hours. He said at that point he would like to introduce into the record an advertisement placed on March 25, 2013 in WesternMassCraig'sList.org which shows 611 North Main Street as open from 9:00 a.m. to 10:00 p.m. He said that it speaks of Hua Zi Li We Na as Asian Body Work not as reflexology. Mr. Kingston said the question is based on his statement there are two people there at least 12 hours a day, 7 days a week and maintaining residency in Michigan and Flushing, NY. He said that seems somewhat improbable to him and asked Attorney Ward for any comments. Attorney Ward said when he says maintaining a residency in Michigan he isn't sure how the Board feels it is necessary to maintain a residency, is it a certain number of hours to be present. Mr. Kingston said that she should at least have a house or a condo and there is also an apartment in Flushing that is listed on the corporation documents, so she has three residencies and she is spending 12 hours a day, 7 days a week in East Longmeadow. Attorney Ward said that it's his understanding that the residency in Michigan is rented out and if her mail went there she probably wouldn't get it so it goes to the New York address because it is

always available for her and she gets telephone calls whenever there is any mail and she goes back and forth between New York and East Longmeadow on occasion. Mr. Kingston said the East Longmeadow location is open 7 days a week. Attorney Ward said correct. Mr. Kingston said if she and her colleague are the only employees and they are both there all of the time so they can implement the policy, something is missing there. He said that it doesn't add up.

Attorney Ward asked Ms. Shin how she implements a policy that there is nothing improper going on at the business. Ms. Shin said that she doesn't work 7 days a week. Mr. Kingston asked Ms. Shin who maintains it when she is not there. Attorney Ward said the body worker so there is not always two people there and when there are not two people there they lock the door. He said that he has suggested to them that they be proactive that if somebody goes in and does anything out of the ordinary that makes them feel uncomfortable or threatened or improper that to call the police and ask them to come to the site. Mr. Kingston asked if it has happened. Attorney Ward said that it has not happened yet.

Mr. Kingston asked how many people are living at 68 Beaumont Street. Attorney Ward said that there are two people upstairs and downstairs is a husband & wife and their two children. Mr. Kingston said that it is a three bedroom house according to the Springfield Assessors Office. Attorney Ward said that he has no knowledge. Mr. Kingston said that the Board doesn't understand what the temporary visitor identification card for Hua Zi LI is and why are there different dates on the card. Attorney Ward said that he has no idea and will find out what it means and will get the Board a copy of her green card. Mr. Kingston asked Attorney Ward if there was anything else he would like to add at that point. Attorney Ward said that he didn't believe so. Mr. Kingston said that it is up to him to decide whether he would like to ask the Board for a continuation or would he like them to rule on it that evening. Attorney Ward said that he thinks he needs to get the Board an explanation for the temporary expiration and evidence of the green card. He said that he would ask for a continuance to get the Board that information.

Mr. Przybylowicz asked Mr. Kingston if the Board could proceed without documentation of that one employee, exclude her from the approval. Mr. Kingston said if that employee is not a massage employee then they could and at that point he introduced four additional documents into the record as exhibit 4, a site called "RubMaps.Com" East Longmeadow Erotic Massage Parlors with reviews which lists Korean Massage Therapy and has a review as of 3/25/13 & 1/30/13. Exhibit 5, a site called "Naughty Reviews. Com" which lists Korean Massage at 611 North Main Street and he said that it is an erotic massage registry. Exhibit 6, SpringfieldBackPage which is an adult listing that has the same ad as they referenced earlier on Craig's List. Mr. Kingston said that one says however says welcome to 611Body Work by new management and he doesn't know who the new management is. Ms. Shin said that it is only for advertising it is not new management. Mr. Kingston said the last one was "CityX.com" and it specifically states in the advertisement that was placed "Masseuses location Springfield, Massachusetts, Masseuses age 28 which does not reference the age of the masseuse who is applying, posted 1/11/13. He said that is says specifically "I also do nude photos and you can contact me through this web site" and he said that it has the same ad they had previously.

Attorney Ward asked Mr. Kingston who placed the ad. Mr. Kingston said that it does not have a name but the phone number is the phone number of 611 North Main Street and it will be exhibit 7. Attorney Ward asked Ms. Shin how old she is and she said that she is 50 and Hua Zi Li is 48. He said clearly that doesn't represent those individuals. Mr. Kingston said right but those are the only two employees yet that person is giving their phone number as a place to contact her. Attorney Ward said somebody but not anybody affiliated with Korean Massage. Mr. Kingston said all he was saying is by introducing the web sites is that there a pattern of that site being referenced on adult and erotic massage web sites throughout the United States. He said that he wants them in the record of the hearing so that it's clear whether or not the Board can prove the ad's are being placed by the applicant. Mr. Kingston said it's clear that the reputation of the web site of that massage therapy location is as an erotic massage therapy location. He said it's clear in looking through the Police reports that they agreed with the idea and the fact that they have not spent another \$20,000 to raid the place in the last 2 years, that's a decision that the Police Department has to make. Mr. Kingston said that he wants to establish that the reputation of 611 North Main Street on the web is clearly for adult entertainment and erotic massage. He said that they can contest that and if they have some documentation or other information to contest that he would appreciate it. Mr. Kingston said that it is not a one off thing it is in numerous places on the web where it is being advertised in that manner and he wants them in the record of the hearing. Attorney Ward said that he would like it in the record of the hearing that they object to the Board's characterization of it being advertised as which reports to say that his client placed those in there, which she did not. He said that it may have been reviewed by some individuals or whatever and they have no idea whether it is factitious or factual, there is no evidence of fact any police investigation has been done, has never been substantiated and as far as their representation that the Police spent \$20,000 in raiding the establishment he believes it to be closer to \$100,000 given all the agencies involved. Attorney Ward said as far as a sexual nature or any overtone, it has never been substantiated. Mr. Kingston said that it has been reported in the Police Report.

Mr. Przybylowicz said to Mr. Kingston that he would like to make a motion to close the public hearing for the application.

Mr. Kingston asked Attorney Ward if he had any objection to the Board closing the public hearing. Attorney Ward said he would like the Board to consider a continuation until he can document those things and address the issue of malicious publication of those documents the Board is putting into the record. Mr. Kingston said that they have a motion to close the public hearing by Michael Przybylowicz and seconded by Alessandro Meccia. Mr. Kingston said that the Board has a request to continue and they have a motion to close and the motion is on the table.

Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted (4-1) to close the public hearing. Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to deny a Special Permit to Korean Massage Therapy Center, Inc., 611 North Main Street based on the 7.30 criteria of the zoning by-laws as follows:

1. The SPGA finds the address not to be an appropriate location for the use for reasons referenced in Exhibits 1 through 7 attached hereto and incorporated herein, therefore the Special Permit is denied.
2. The SPGA finds that the use will adversely affect the neighborhood based on prior and current activity as shown to be found in the documents presented into evidence at the hearing attached hereto and incorporated herein as Exhibits 1 through 7, because of lack of institutional control and lack of policy for reporting illegal activity to the police, therefore, the Special Permit is denied.
3. The SPGA finds that this use will create a nuisance in this area and therefore, the Special Permit is denied.
4. The SPGA finds that there are adequate facilities provided for a proper operation and there exists Town water and sewer at this location.
5. The SPGA finds that the parking plan for this parcel has been previously approved by the Board.
6. The SPGA finds that the exterior feature or appearance of the building is not detrimental to the surrounding neighborhood.
7. The SPGA finds that the design of access drives are adequate as the East Longmeadow Police Department has reviewed this site and has determined that there are no traffic hazards to be addressed.
8. The SPGA finds that the use is not in harmony with the general purpose and intent of the Zoning By-laws as indicated in the exhibits attached hereto and incorporated herein and therefore the Special Permit is denied.
 - a. The site is not an appropriate location for the use, structure or condition.
 - b. The use developed will adversely affect the neighborhood.
 - c. There will be nuisances

Elite Image, 489 North Main Street

Stephanie Reid, Owner of Elite image was present.

Mr. Kingston said that the Board was waiting for a copy of the application for a Salon License and Ms. Reid has provided that and makes the application complete.

Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Michael Przybylowicz by Alessandro Meccia, the Board voted unanimously (5-0) to approve the Special Permit for Elite Image, 489 North Main Street.

Escape Therapeutic Massage, 10 Crane Avenue

Arianne Boyajian, owner of Escape Therapeutic Massage was present.

Mr. Kingston said that the Board was waiting for a copy of the Multiple License application and asked if it has been received.

Ms. Boyajian said that she forwarded the e-mail that stated they have received her application for a multiple license and they are processing the application. She said that she also has a petition that she drew up to not charge the application fee to the legitimate Massage Therapist that are operating and go after the actual real people that aren't and shut them down. Mr. Kingston said that they appreciate her petition and there are a number people present who signed and said that the Board will take it under consideration. He asked Ms. Macdonald if they needed anything else. Ms. Macdonald said that everything else has been received and is in order.

Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve the Special Permit for Escape Therapeutic Massage, 10 Crane Avenue.

Ochoa Day Spa, 653 North Main Street

Mr. Kingston said that copies of employee's identifications have been received.

Upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for Ochoa Day Spa, 653 North Main Street.

Peoples Massage, 145 Shaker Road

Mr. Kingston said that a copy of the Renewal License for Kristin Palano and a copy of new employee Sheri Rademacher's License have been received. He said that everything has been received from People's Massage and upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve the Special Permit for Peoples Massage, 145 Shaker Road.

Progressive Massage, 168 Denslow Road

Mr. Kingston said that a copy of the Establishment License has been received. Ms. Macdonald said that Progressive Massage is all set with everything they need.

Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for Progressive Massage, 168 Denslow Road.

Shear Integrity, 60 Shaker Road

Mr. Kingston said they have received the verification of the Establishment License and information on the new employee has been received.

Upon motion duly made by Alessandro Meccia and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the Special Permit for Shear Integrity, 60 Shaker Road.

Visual Changes, 35 Harkness Avenue

Mr. Kingston said they have received the verification of the Establishment License and information on the new employee has been received.

Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for Visual Changes, 35 Harkness Avenue.

Wellness Massage, 38 Harkness Avenue

Mr. Kingston said they have received a copy of the Solo License application.

Upon motion duly made by Alessandro Meccia and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing. All the criteria for Massage Therapy were met and upon motion duly made by Alessandro Meccia and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve the Special Permit for Wellness Massage, 38 Harkness Avenue.

Request for Waiver of Site Plan Review – Neutral Ground, 351 Somers Road

Clerk, Ralph Page read a Request for Waiver of Site Plan Review from Kevin Drenthe, Neutral Ground, 351 Somers Road.

Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the Request for a Waiver of Site Plan for Kevin Drenthe, Neutral Ground, 351 Somers Road to operate an office for his dog training business conditioned on retail operation at this location, no employees other than the owner and there will be no signage. The owner is the only employee and

proposed hours of work are Monday through Friday, 8:00 a.m. to 8:00 p.m. There will be no commercial vehicles on site, no storage of materials or equipment and all training is done at the client's homes. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area. If there are any changes in this operation, the applicant must appear before the Planning Board again to discuss those changes.

Request for Waiver of Site Plan Review – Studio B, 276 Millbrook Drive

Clerk, Ralph Page read a Request for Waiver of Site Plan Review from Rebekah Bassett, Studio B, 276 Millbrook Drive.

Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) voted to approve the Request for a Waiver of Site Plan for Rebekah Bassett, Studio B, 276 Millbrook Drive to operate an office for her after school programs business at this location. Ms. Bassett is the only employee and there are no proposed hours of work. There will be no commercial vehicles on site, no storage of materials or equipment and all programs are conducted at elementary schools. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area. If there are any changes in this operation, the applicant must appear before the Planning Board again to discuss those changes.

Request for Waiver of Site Plan Review – Meadow Produce, 34 Shaker Road

Clerk, Ralph Page read a Request for Waiver of Site Plan Review from Hassan Ranjha, Meadow Produce to open a produce store and fresh juice at 34 Shaker Road. Proposed hours of operation are 7:00 a.m. to 9:00 p.m. and there will be three employees including the owner.

Mr. Kingston said the situation is that the Board already issued an active Special Permit for 34 Shaker Road for a massage therapy facility. He said that there can't be two businesses in the same location and the Board has been advised that the owners of the massage therapy Special Permit will request to amend that permit to change it to 60 Shaker Road, however the request for an amendment has not been received yet. Mr. Kingston said if the Board issues a Waiver they will in fact have approved two businesses at the same place based on an assurance that something will happen in the future. He recommended that the Board not act on it that evening until they have a chance to act on the amendment to the Special Permit. Mr. Kingston said unfortunately it may be a delay for the owner of the business and said that it is between the landlord and the businesses to resolve it before going ahead.

Mr. Page read into the record a letter dated March 25, 2013 from Steven Graziano, East Meadow realty as follows:

On behalf of East Meadow Realty to East Longmeadow Planning Board due to extending times that it has taken Fengling Liu of Reflexology to secure the appropriate permit from the town and state, I have been forced to rent 34 Shaker

Road, East Longmeadow to Ranjha Brothers known as Fresh Farms or Big Tomato.

Fengling Liu of Reflexology will now be transferring the existing permit to 60 Shaker Road store #5A. Fengling will request an amendment to change Special Permit address to Shaker Road.

After further discussion the Board agreed that Fengling Liu could request that the Special Permit for 34 Shaker Road be revoked. Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta the Board voted to continue this request to April 23rd. Ms. Macdonald said that she sent Fengling Liu a letter that day and said that Mr. Graziano offered Fengling Liu what he called 34 B Shaker Road and said unfortunately there is no 34 B Shaker Road and he was going to allow her to use the back stairs with an entrance on Shaker Road to use the second floor which is Prospect Street. She said however the Prospect Street property has a very restrictive Special Permit on it and they were not allowed to do that and she let them know that. Mr. Kingston said that it is up to them to how they want to proceed

Request for Waiver of Site Plan Review – So Viral, LLC, 68 Senecal Place

Clerk, Ralph Page read a Request for Waiver of Site Plan Review from Jacqueline Sarkis, So Viral, LLC, 68 Senecal Place to operate an office with a computer and telephone to make calls for an online talent and media business. There are two employees and there are no specific proposed hours of work. All the searches are to be conducted on line and if selected they have the opportunity to work in her partner's New York City Studio under his umbrella.

Mr. Kingston said that he thinks they need to verify the number of employees. Ms. Macdonald said that her partner has a New York office who works with the company and Ms. Sarkis lives in East Longmeadow is having the office and all the interviews are done in New York with her partner.

Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta the Board voted unanimously (5-0) voted to approve the Request for a Waiver of Site Plan for Jacqueline Sarkis, So Viral, LLC, 68 Senecal Place. There will be no commercial vehicles on site, no storage of materials or equipment and all the searches are to be conducted on line. The office is not to occupy any more than 20% of the total floor area of the dwelling, including the basement area. If there are any changes in this operation, the applicant must appear before the Planning Board again to discuss those changes.

Request for Signage – Bentley's Bistro, 53 North Main Street

Clerk, Ralph Page read a request for signage from Bentley's Bistro.

After review of the proposed signage for Bentley's Bistro and upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously

(5-0) to approve the signage as presented conditioned upon the applicant obtaining a sign permit from the Building Inspector. The building sign measures 36" x 114" for a total of 28.5 square feet and the ground sign measures 28" x 118" for a total of 23 square feet and total of both signs is 51.5 square feet.

Miscellaneous

Ms. Macdonald told the Board that she received a letter from Will McCarthy, a home based trade business, informing the Board that he sold his home and has moved out of the area.

Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to revoke the Special Permit for William McCarthy because he is no longer at the address for which the Special Permit was issued for.

Ms. Macdonald said that Bruce Mitton has not responded to numerous telephone calls so she has no information on him.

Winterberry Lane

Ms. Macdonald said that she has a novation agreement for the sale of the subdivision for Winterberry Lane. She said that the Board will now enter into a new subdivision contract with the new developer. Mr. Kingston endorsed the documents.

Graziano's as built plan

Ms. Macdonald explained to the Board that she has an agreement for Graziano's that the Board agreed on and said that she needs all three officers to sign them pursuant to conservations they have had with the Graziano's and she will send them off to them to be signed. She said that the plan that was in front of them evening was the plan referred to in the agreement. Mr. Przybylowicz said on the plan it has been revised to reflect the gravel & stone dust along the paved driveway that comes from Revere Street towards the parking area off of Maynard Street. He said that it shows the existing 100 foot buffer along Revere Street and it doesn't include the parking spaces that were along the curb line on Elm Street and it mentions the parking spaces in the back parking lot as well as the ones in front of the existing garage and the fence ended being moved. Upon motion duly made and seconded, the Board voted (5-0) to endorse the agreement.

Public Hearing – Optimum Massage, 143 E Shaker Road

Chair, George Kingston opened the public hearing for Optimum Massage, 143 E Shaker Road. He said that the applicant is not present and the application is incomplete he entertained a motion to continue the hearing. Clerk, Ralph Page read the legal notice into the record. Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to continue the public hearing to April 23, 2013 at 7:45 p.m.

Meeting with Bruce Mitton to discuss revocation of Special Permit

Ms. Macdonald said that she received information that Bruce Mitton has moved and she double checked with the Assessors Office and he no longer owns the property under which the Special Permit was granted. She said that he has been contacted in writing and six phone calls were left to his business telephone over the past six weeks. Upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to revoke the Special Permit for Bruce Mitton because he no longer lives at the address for which the Special Permit was issued and the Special Permit is specific to the address and it cannot be transferred.

Discuss revision to medical marijuana warrant article

Ms. Macdonald said that she has e-mailed the Board the information and that the AG's Office has stated that they cannot refuse to have any dispensaries in town. She said because part of the law says that the medical marijuana has to be available and if every single community said no there would be no dispensaries and it wouldn't be available in Massachusetts. Ms. Macdonald said that she provided them with copy of a draft moratorium that the use is prohibited until June 2014 and at that time hopefully the Board of Health from the State will have their regulations and the Planning Board will have an opportunity to make regulations. Mr. Kingston said that it gives the Board a little over a year to see how it works out, what the regulations are and if some are established elsewhere during that time period to see how they actually end up operating. He said then they can for Spring Town Meeting in 2014 put forward a zoning by-law change to specify where they can be situated and whether or not it needs to be a Special Permit. Ms. Macdonald said that the AG's Office has approved Wakefield and Burlington for the moratorium to that date and the one person she has been working in Longmeadow is putting it on for their town meeting also. Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to substitute the moratorium article for the article they originally proposed.

Warrant Articles for town meeting

Ms. Macdonald said that she would like the Board to think about who will be making the presentations for the articles that the Board is submitting.

Continuance of Revocation Hearing – Patsy's Restaurant, 600 North Main Street

Clerk, Ralph Page read a request from Pasquale Liquori to continue his hearing to April 23rd.

Upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted unanimously (50) to continue the hearing to April 23rd at 6:00 p.m.

Minutes

The Board reviewed the minutes of January 29, 2013 and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to approve.

The Board reviewed the minutes of February 12, 2013 and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to approve with edits.

Ralph Page to discuss new open space plan

Mr. Kingston explained to the Board that Mr. Page wanted to bring up the issue that our Open Space Plan is expired and that they need a new one.

Mr. Page said the Planning Board along with the Conservation Commission in 2000 wrote an Open Space Plan and the State of Massachusetts requires that an updated plan be submitted every 5 years. He said that the plan is needed in order to apply for any grants and he asked the Board if they would allow him to take the lead along with Ms. Macdonald to start updating some of the data and bring it back to the Board. Mr. Page said that they also have the Commissions help and need to start looking at it and create a committee to go through it and bring it up to date so that way they can start applying for different grants. After further discussion the Board agreed to allow Mr. Page to update the data for the Open Space Plan.

There being no further business and upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted to close the meeting at 8:30 p.m.

For the Board,

Ralph Page, Clerk